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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,869	01/22/2004	Edward Eytchison	Sony-05000	8513

7590 07/08/2011  
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EXAMINER
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COULTER, KENNETH R

ART UNIT	PAPER NUMBER
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2445

MAIL DATE	DELIVERY MODE
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07/08/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/763,869	<b>Applicant(s)</b> EYTCHEISON, EDWARD	
	<b>Examiner</b> Kenneth R. Coulter	<b>Art Unit</b> 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15-22, 24-28 and 30-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15-22, 24-28 and 30-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 13, 15 – 22, 24 – 28, and 30 – 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Bradley et al. (U.S. Pat. Pub. No. 2010/0017606) (Interoperable Systems and Methods for Peer-To-Peer Service Orchestration).

1.1 Regarding claim 1, Bradley discloses a method comprising:

identifying a content provider (paragraph 6; paragraph 92);

identifying a service wherein the service corresponds with the content provider (paragraph 91; paragraph 92);

categorizing the service in a genre using a genre record (paragraphs 92, 94);

forming a service record within a service registry wherein the service record represents the service (paragraphs 91, 94); and

allowing a content user to discover the service through the service registry (paragraph 92 “this **service description** is **published to a registry** by any of a number of means so that the service may be **discovered**”).

**paragraph 92 of Bradley**

A service provider offers access to some set of operations for a particular purpose described by a WSDL service description; **this service description is published to a registry by any of a number of means so that the service may be discovered**. A registry may be public or private within a specific domain.

**paragraph 6 of Bradley**

Embodiments of the systems and methods described herein can be used to address some or all of the foregoing problems. In one embodiment, a services framework is provided that enables multiple types of stakeholders in the consumer or enterprise media space (e.g., **consumers, content providers, device manufacturers, service providers**) **to find each other**, establish a trusted relationship, and **exchange value** in rich and dynamic ways through exposed service interfaces. Embodiments of this framework--which will be referred to generally as the Network Environment for Media Orchestration (NEMO)--can provide a platform for enabling interoperable, secure, media-related e-commerce in a world of heterogeneous consumer devices, media formats, communication protocols, and security mechanisms. Distributed policy management of the service interfaces can be used to help provide trust and security, thereby facilitating commercial exchange of value.

1.2 Per claim 2, Bradley teaches the method according to claim 1, further comprising associating content with the service through a content record (paragraphs 91, 92, 193).

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1.3 Regarding claim 3, Bradley the method according to claim 1, further comprising associating a genre with the service through a genre record (paragraph 403 “affinity groups”).

1.4 Per claim 4, Bradley teaches the method according to claim 1, further comprising identifying a protocol associated with the service through an engagement record (paragraphs 9, 83).

1.5 Regarding claim 5, Bradley discloses the method according to claim 1, wherein the service includes one of a document, an image, audio data, and video data (Fig. 1; paragraph 98 “XML documents”; paragraph 320 “audio for the song”; paragraph 193).

1.6 Per claim 6, Bradley teaches the method according to claim 1, wherein the allowing further comprising checking access rights of the content user (paragraph 14 “DRM (Digital Rights Management)”; paragraph 125).

1.7 Regarding claim 7, Bradley discloses the method according to claim 1, further comprising selectively notifying the content user of the service via a recipient list (paragraph 128; paragraphs 401 – 403).

1.8 Per claim 8, Bradley teaches the method according to claim 7, wherein the recipient list contains at least one content user (paragraph 128; paragraphs 401 – 403).

1.9 Regarding claim 9, Bradley discloses the method according to claim 1, further comprising authenticating an identity of the content provider (paragraph 6; paragraph 264 “list of one or more authorization service providers that will be responsible for **authorizing access to the service**”).

1.10 Per claim 10, Bradley teaches the method according to claim 1, further comprising adding a content record within the service registry wherein the content record is associated with a particular content (paragraphs 91, 92, 193).

1.11 Regarding claim 11, Bradley discloses the method according to claim 1, further comprising storing the service record within the service registry (paragraphs 91, 94).

1.12 Per claims 12, 13, 15 – 22, 24 – 25, and 27, 28, and 30 – 32, the rejection of claims 1 – 11 under 35 USC 102(e) (paragraphs 1.1 – 1.11) applies.

1.13 Regarding claim 26, Bradley discloses that the protocol includes one of UPnP, HTP, and RTP (paragraphs 9, 124, 234, 567).

### ***Response to Arguments***

Applicant's arguments filed 12/20/10 have been fully considered but they are not persuasive.

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Applicant argues that Bradley does not disclose categorizing a service in a genre using a genre record; searching for a content record through a genre record; or associating a plurality of genres with the service through a plurality of genre records and categorizing the service in the plurality of genres using the plurality of genre records.

Examiner disagrees.

Bradley discloses:

categorizing the service in a genre using a genre record (paragraphs 92, 94);  
forming a service record within a service registry wherein the service record represents the service (paragraphs 91, 94); and  
allowing a content user to discover the service through the service registry (paragraph 92 “this **service description** is **published to a registry** by any of a number of means so that the service may be **discovered**”).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth R. Coulter whose telephone number is (571)272-3879. The examiner can normally be reached on M - F, 7:30 am - 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth R Coulter/  
Primary Examiner, Art Unit 2445

/KRC/